

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #45-09

Robbinsville Township, Mercer County

WHEREAS, on December 30, 2008, Robbinsville Township, Mercer County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5, on February 9, 2009, the Township published notice of its petition in the *Trenton Times*, which is the newspaper of general circulation within the county; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended April 13, 2009; and

WHEREAS, the Township's fair share plan addresses a total 1987-2018 affordable housing obligation of 620 units, consisting of a 17-unit rehabilitation share, 286-unit prior round obligation and a 317-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Township's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, the Township proposes to address its 17-unit rehabilitation share with 17 units to be completed by the Robbinsville Township Rehabilitation Program; and

WHEREAS, the Township proposes to address its 286-unit prior round obligation with 54 prior cycle credits; 133 credits for 133 units at Foxmoor, a family, sale development; 35 credits and 35 rental bonuses for 35 units at Project Freedom, a supportive and special needs, rental development; 28 credits for a 24-unit and a 4-unit Regional Contribution Agreement with New Brunswick; and 1 credit for 1 unit at Community Options, a group home; and

WHEREAS, Robbinsville proposes to address a portion of its 317-unit projected growth share obligation with 3 credits for the Bonnell House Group Home; 3 credits for the Farley

House Group Home; 4 credits for a Community Options – Robbinsville Group Home; 1 credit for a Community Options – Wyndham Group Home; 2 credits for a Community Options – Walden Circle Group Home; 4 credits for a St. John’s Community Service Group Home; and 116 credits for Extension of Expiring Controls in Foxmoor; and

WHEREAS, Robbinsville proposes to address its remaining projected growth share obligation of 184 units with 39 credits for 39 units for Sharbell Town Center, a proposed inclusionary family, rental development; 60 credits and 10 rental bonuses for 60 units at Project Freedom II, a proposed permanent supportive housing development; 10 credits and nine rental bonuses for 10 units for Robbinsville Commons I, a proposed inclusionary family, rental development; seven credits and seven rental bonuses for Robbinsville Commons II, a proposed inclusionary family, rental development ; 11 credits and 11 rental bonuses for the Rite-Aid Site, a proposed inclusionary family, rental development; and 20 credits for 20 units for Mercer Mobile Home Park, a municipally sponsored, innovative project; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Robbinsville has provided implementation schedules that set forth detailed timetables that demonstrate a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7 and N.J.A.C. 5:97-6.10 for the proposed 20-unit Mercer Mobile Home Park project and the 60-unit Project Freedom II future supportive and special needs development; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.6(a)3ii., in the event the Supportive/Special Needs project is not constructed in accordance with the construction schedule, Robbinsville may lose the rental bonuses; and

WHEREAS, Robbinsville Township shall submit documentation of ownership and demonstration of site suitability to COAH once the site for the Mercer Mobile Home Park sponsored project is acquired; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on October 9, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of the Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received comments from Shirley Bishop, PP on behalf of Robbinsville Township (attached as Exhibit B and incorporated by reference herein); and

WHEREAS, the submitted comments do not alter the Compliance Report that was issued on October 9, 2009; and

WHEREAS, the submitted comments have been addressed in the Township's spending plan report dated October 20, 2009.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by the Township of Robbinsville comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to the Township of Robbinsville; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), the Township shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if the Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Robbinsville shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Robbinsville shall provide an update to COAH within six months of substantive certification on the status of acquisition of the Mercer Mobile Home Park; and

BE IT FURTHER RESOLVED the Township shall provide an executed agreement with Project Freedom, Inc. for the Project Freedom II project within six months of substantive certification; and

BE IT FURTHER RESOLVED the Township shall provide documentation that the property has been conveyed to Project Freedom within six months of substantive certification; and

BE IT FURTHER RESOLVED that Robbinsville shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Robbinsville's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Robbinsville's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Robbinsville and the number of units

required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4 or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, then the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Robbinsville shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Robbinsville's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of the Township to provide for the realistic opportunity of its fair share of low- and moderate-income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on October 26, 2009

A handwritten signature in cursive script, reading "Reneé Reiss". The signature is written in black ink and is positioned above the printed name and title.

Reneé Reiss, Secretary
Council on Affordable Housing



***Council on Affordable Housing
Compliance Report
October 9, 2009***



Municipality: *Robbinsville Township*
County: *Mercer County*

COAH Region: *4*
Planning Area: *2, 4, and 4B*
Special Resource Area: *n/a*

Housing Element and Fair Share Plan Adopted: *December 11, 2008*
Petition for 3rd Round Substantive Certification: *December 30, 2008*
Completeness Determination: *January 29, 2009*
Date of Publication: *February 9, 2009*

Objections Received: *No*

Petition Includes:

VLA: *No*
GPA: *No*
Waiver: *No*

Date of Site Visit: *April 12, 2009*

History of Approvals:

	COAH	JOC	N/A
First Round:	<i>September 6, 1988</i>		
Second Round:	<i>May 6, 1998</i>		
Extended Certification:	<i>May 5, 2004</i>		

Plan Preparer: *Shirley Bishop, PP*

Municipal Housing Liaison: *Gail Pfister*

Recommendation: *Grant Substantive Certification*

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	17
Prior Round Obligation	286
Projected Growth Share Obligation	317

ACTUAL GROWTH and GROWTH SHARE through September, 2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
513	103 units	2039	127 units	230 units

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 17 units				
Program	Municipal		17	17
Rehabilitation Subtotal				17
NEW CONSTRUCTION:				
Prior Round: 286 units				
Credits	Prior Cycle	54		54
	Post-1986	169		169
	RCA	28		28
Prior Round Bonuses	Rental	35		35
Prior Round Subtotal				286
Growth Share: 317 units				
Credits	Post-1986	133		133
Proposed Mechanisms	Inclusionary Zoning		67	67
	Supportive/Special Needs Housing		60	60
	Innovative Approach		20	20
Growth Share Bonuses	Rental		37	37
Growth Share Subtotal				317
Surplus/Shortfall				0

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Robbinsville's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Robbinsville has a rehabilitation share of 17 units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Robbinsville has a prior round obligation of 293. However, Robbinsville received a substantial compliance adjustment pursuant to N.J.A.C. 5:93-3.6 that resulted in a reduced prior round obligation of 286 units.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential)

and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Robbinsville has a residential projection of 1,165 units and a non-residential projection of 1,346 jobs, which results in an initial projected growth share obligation of 317 affordable units. Robbinsville's total projected growth share for the period 1999-2018 is 317 affordable units consisting of a 233-unit projected residential growth share and a 84-unit projected non-residential growth share.²

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	17
Prior Round Obligation	286
Projected Growth Share Obligation	317

I. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Robbinsville Township's Fair Share Plan, and the supporting documentation incorporated by reference therein, addresses the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Robbinsville's Housing Element and Fair Share Plan does not include a request for rehabilitation credit.

² Pursuant to N.J.A.C. 5:97-2.2(d), Robbinsville's residential projection of 1,165 is divided by 5 to yield 233 units and the nonresidential projection of 1,346 jobs is divided by 16 to yield 84 units. Robbinsville's total projected growth share is therefore 317 units (233 + 84).

Proposed Rehabilitation Program

Robbinsville Rehabilitation Program

Robbinsville will utilize the Robbinsville Municipal Rehabilitation Program to address the 17 units of its rehabilitation obligation. The Township has hired Steve Weinberg, a private consultant, to run the rehabilitation program. Robbinsville has dedicated \$255,000.00 for the rehabilitation of the units and has submitted a Resolution of Intent to Bond in case there is a shortfall of funds to complete the rehabilitation share. The program will be available to owner-occupied and rental units. The Township intends to complete one to two units per year, until the obligation is met. A program manual has been submitted and approved by COAH staff.

Proposed Rehabilitation Program

Rehabilitation Program	17 Units
Robbinsville Rehab Program	17
TOTAL	17

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

Robbinsville is addressing the prior round obligation with 54 prior cycle credits and 232 post-1986 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Prior Cycle Credits

Project/Development Name	Year Built	Type of Affordable Unit	# Units/ Bedrooms
Eden A.C.R.E.s	1983	Group Home	3 br
Foxmoor	1985	Family, sale	51
TOTALS			54

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Foxmoor	1987	family, sale	133			133
Trenton RCA	1998	rental	24			24
Trenton RCA	1998		4			4
Project Freedom		rental	35	rental	35	70
Community Options	1992	group home	1 br	rental		1
TOTALS			197		35	232

Proposed Affordable Housing Mechanisms

Robbinsville is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its prior round obligation.

Prior Round Obligation Parameters

Robbinsville has satisfied the applicable Prior Round parameters as follows:

Prior Round Rental Obligation:³ 60 Units

Development/Project Name	Type of Affordable Unit	# Units
City of Trenton - RCA	new construction, rental	24
Project Freedom	rental	35
Community Options (Wyndham)	group home	1
TOTAL		60

³ Rental Obligation: N.J.A.C. 5:97-3.10 Rental Obligation = 25 percent (Prior Round Obligation – Prior Cycle Credits – Impact of 20 percent cap – Impact of the 1,000-unit limitation)
= .25 (293 – 54 – 0 – 0) = 60

Prior Round Age-Restricted Maximum⁴ : 57 Units

Development/Project Name	Type of Affordable Unit	# Units
<i>n/a</i>		0
TOTAL		0

Regional Contribution Agreement (RCA) Maximum⁵: 128 Units

Receiving Municipality(s)	Type of Affordable Unit	# Units
City of Trenton	new construction, rental	24
City of Trenton	rehabilitation	4
TOTAL		28

Prior Round Rental Bonus Maximum⁶ : 60 Units

Development/Project Name	Type of Bonus	# Bonuses
Project Freedom	rental	35
TOTAL		35

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

Robbinsville is addressing 133 units of the projected growth share obligation with 133 units of credit. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified

⁴ Age-Restricted Maximum: Age-Restricted Maximum = 25 percent (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits - Impact of 20 percent cap – Impact of the 1,000-unit limitation – Transferred or Proposed RCA Units Addressing the Prior Round Obligation) = .25 (293 + 17 – 54 – 0 – 0 – 0 – 28) = 57

⁵ RCA Maximum: RCA Maximum = 50 percent (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits - Impact of 20 percent cap – Impact of the 1,000-unit limitation) = .5 (293 + 17 – 54 – 0 – 0 – 0) = 128

⁶ No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Eden A.C.R.E.s (Bonnell House)	1988	group home	3 br			3
Eden A.C.R.E.s (Farley House)	1992	group home	3 br			3
Community Options (Robbinsville)	1992	group home	4 br			4
Community Options (Wyndham)	2000	group home	1 br			1
Community Options (Walden Circle)	1992	group home	2 br			2
St. John's Community Services (Hilltop Place)	1997	group home	4 br			4
Foxmoor* (extension of controls)		family, sale	116			116
TOTALS			133		0	133

Foxmoor – Extension of Controls

Robbinsville's plan includes 116 credits for extended controls on affordability for units located in Foxmoor. All of the units originally had controls expiring before 2018. The Township committed to keep these units affordable to low and moderate income households by imposing perpetual deed restrictions on eligible units as they were being re-sold. The Township has identified an additional 66 units in Foxmoor which could have the controls extended before 2018. The Township plans to inspect each unit and ensure that they are compliant with current housing codes.

Proposed Affordable Housing Mechanisms

Robbinsville proposes to address the remaining 184-unit growth share obligation through the following mechanisms:

Sharbell Town Center

Robbinsville will utilize zoning to address 39 units of its projected growth share obligation. The Sharbell Town Center site was Phase 3B of a rental development located at block 3.01, lots 1.02, 2, 5 and 32. The development was granted preliminary and final site plan approval on April 26, 2003. The 146.27 acre site has received approval to develop 690 units, of which 39 will be affordable, family rental units. In addition, the developer will be deeding a parcel to the Township for the development of Project Freedom II. The site is in Planning Area (PA) 2, has access to sewer and is located on Route 33. **[39 family, rental units]**

Project Freedom II

Robbinsville will rely on a proposed permanent supportive housing development to address 60 units of its projected growth share obligation. The Township will deed the land to the Project Freedom II development. As part of the Sharbell Town Center site's April 26, 2003 approval it was stated that Project Freedom II will have 60 permanent supportive apartments, 25 percent of which will be restricted to those earning 30 percent or less than the regional median income. The development will be located on the Gordon Simpson site, which was part of the Sharbell Town Center site. The site which is in PA2, has no environmental constraints and has access to water and sewer. Project Freedom, Inc. has submitted a prototypical pro-forma used for a similar development. that will be used for the Project Freedom II site. Within 6 months of substantive certification, the property must be conveyed to Project Freedom, Inc. In addition, the Township must submit to COAH an executed agreement with Project Freedom, Inc. for Project Freedom II at this same time. **[60 rental units and 10 rental bonuses]**

Robbinsville Commons I

Robbinsville will rely on zoning to address 10 units of its projected growth share obligation. The Robbinsville Commons I site is located at block 1, lots 14, 15 and 16, in PA2. The site has access to public water and sewer. The 10.81 acre site will produce 79 market rate units, 10 low- and moderate-income rental units, and 33,070 square feet of commercial space. The site does contain some wetlands, but it does not impede the development of the site. The site received preliminary and final approvals for development on November 23, 2004. A developer's agreement was signed on November 1, 2007. **[10 family, rental units and 9 rental bonuses]**

Robbinsville Commons II

Robbinsville will rely on zoning at Robbinsville Commons II to address seven units of its projected growth share obligation. The site, block 1, lots 12 and 13, contains 4.32 acres, is located in PA2 and has access to public water and sewer. There are no known environmental constraints on this site. The site has received preliminary and final site plan approval on November 23, 2004. A developer's agreement was signed on November 1, 2007. When fully developed the site will produce 29 market rate units, seven family rental units and 15,535 square feet of commercial space. **[7 family, rental units and 7 rental bonuses]**

Rite-Aid Site

Robbinsville will rely on zoning to address 11 units of its projected growth share obligation. The Rite Aid site is owned by Sharbell Newton, Inc. The 3.47 acre site is located at block 8, lot 1.01. The site will produce 28 market rate units, 11 family rental units and 64,000 square feet of commercial space. The site is situated with access to two roads, Routes 33 and 526. The Rite Aid Site has access to public water and sewer and is located in PA2. There are no known environmental constraints on the site. Preliminary and final approvals were received on December 5, 2007. **[11 family rental units and 11 rental bonuses]**

Mercer Mobile Home Park

Robbinsville will utilize the municipally sponsored project mechanism to address the remaining 20 units of its projected growth share obligation at the Mercer Mobile Home Park. The mobile home park is located on Route 130. The site, located on block 1, lots 57, 59 and 61, is in PA1 and has access to Route 130; it is near the Robbinsville Township / Hamilton Township border. The park contains 149 mobile homes situated on rental pads. Robbinsville will be phasing this project over the next 6 years. At least seven of the affordable units will be deed-restricted to very low-income households.

The Township and the current owner of the mobile home park have been in litigation over numerous issues at the park. Metro Company has been hired to complete a feasibility study on the park. Metro was waiting on documentation from the park's owner. The documentation was received in July and the study should be ready for release before the end of 2009, in keeping with the Township's implementation schedule.

The Township anticipates taking ownership of the park within the next 24 months. Based on the study, the Township will be upgrading water and sewer service to the park. In addition, rental pads will be replaced and upgraded. The Township will be required to place new mobile home units on the pads to receive COAH credit for the 20 units for which they are seeking credit. The spending plan indicates that \$5,938,038.00 has been allocated to the Mercer Mobile Home Park. Affordability Assistance funds will be used for acquisition of the park and programmatic funds will be used for the purchase of new units. The Township should note that trust fund monies may only be expended on the 20 units receiving COAH credit. Any infrastructure or acquisition expenditures must be prorated across the development and affordable housing trust funds must be expended solely on infrastructure, land and programmatic costs associated with the COAH affordable units. Prior to expending trust fund dollars, the Township must submit a detailed pro-forma on the costs associated with the proposed upgrades on the Mercer Mobile Home Park to COAH.

Pursuant to N.J.A.C. 5:97-3.2(a)4, Robbinsville has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and

documentation required by N.J.A.C. 5:97-6.7. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.10(e). The Township anticipates selecting a developer and signing an agreement with the developer in 2013, with certificates of occupancy being issued in 2015. Robbinsville is required to submit supporting documentation to COAH in 2013, two years before construction begins. The Township shall also submit a status on the acquisition of the Mercer Mobile Home Park within 6 months of substantive certification.

[20 family, for-sale units]

Proposed Growth Share Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Sharbell Town Center	family, rental	39			39
Project Freedom II	rental	60	rental	10	70
Robbinsville Commons I	family, rental	10	rental	9	19
Robbinsville Commons II	family, rental	7	rental	7	14
Rite-Aid Site	family, rental	11	rental	11	22
Mercer Mobile Home Park	Family, sale	20			20
TOTALS		147		37	184

Growth Share Parameters

Robbinsville has satisfied the applicable Growth Share parameters as follows:

Growth Share Rental Obligation:⁷ 80 Units

Development/Project Name	Type of Affordable Unit	# Units
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⁷ Projected Growth Share Rental Obligation: .25(Projected Growth Share) or .25(317)= 80 units N.J.A.C. 5:97-3.10(b)3

Sharbell Town Center	family, rental	39
Project Freedom II	supportive housing	60
Robbinsville Commons I	family, rental	10
Robbinsville Commons II	family, rental	7
Rite-Aid Site	family, rental	11
TOTAL		127

Growth Share Family Rental Requirement⁸ : 40 Units

Development/Project Name	Type of Affordable Unit	# Units
Sharbell Town Center*	family, rental	39
Robbinsville Commons I*	family, rental	10
Robbinsville Commons II	family, rental	7
Rite-Aid Site	family, rental	11
TOTAL		67

* In accordance with N.J.A.C. 5:97-3.6(a)4, these units are addressing the minimum family rental requirement and are therefore not eligible to receive rental bonuses. The 39 units at Sharbell Center and 1 unit at Robbinsville Commons I are being used to address rental requirement and are therefore not eligible to receive rental bonuses.

Growth Share Minimum Family Requirement⁹ : 140 Units

Development/Project Name	Type of Affordable Unit	# Units
Foxmoor (extension of controls)	family , sale	116
Sharbell Town Center	family, rental	39

⁸ Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(80) = 40 units N.J.A.C. 5:97-3.4(b)

⁹ Projected Growth Share Family Requirement: .5(Units Addressing the Growth Share Obligation) or .5(280)= 140 units N.J.A.C. 5:97-3.9

Robbinsville Commons I	family, rental	10
Robbinsville Commons II	family, rental	7
Rite-Aid Site	family, rental	11
Mercer Mobile Home Park	family, sale	20
TOTAL		183

Very Low Income Minimum Requirement¹⁰ : 14 Units

Development/Project Name	Type of Affordable Unit	# Units
Eden A.C.R.E.s (Bonnell House)	supportive / special needs	3
Eden A.C.R.E.s (Farley House)	supportive / special needs	3
Community Options (Robbinsville)	supportive / special needs	4
Community Options (Wyndham)	supportive / special needs	1
Community Options (Walden Circle)	supportive / special needs	2
St. John's Community Services (Hilltop Place)	supportive / special needs	4
Project Freedom II	supportive / special needs	15
Mercer Mobile Home Park	family, rental	7
TOTAL		39

Age-Restricted Maximum¹¹ : 158 Units

¹⁰ Growth Share Very Low Income Requirement: .13 (Projected Growth Share Obligation - Units Built or Approved or Placed into Service on or before July 17, 2008 addressing Growth Share) or .13(317-210) = 14 units pursuant to P.L.2008, c.46

¹¹ Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(317)= 158 units
N.J.A.C. 5:97-3.10(c)

Development/Project Name	Type of Affordable Unit	# Units
n/a		0
TOTAL		0

Bonus Maximum¹²: 79 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
Project Freedom II	rental	10
Robbinsville Commons I	rental	9
Robbinsville Commons II	rental	7
Rite-Aid Site	rental	11
TOTAL		37

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Robbinsville has issued certificates of occupancy for 513 housing units and also for the nonresidential square footage equivalent of 2,039 jobs, yielding an actual growth share obligation

¹² Projected Bonus Maximum: $.25(\text{Projected Growth Share})$ or $.25(317) = 79$ units N.J.A.C. 5:97-3.20

through September 30, 2008, of 230 affordable units.¹³

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY

Rehabilitation Share: 17 Units

Program Name	# Units
Robbinsville Rehabilitation Program	17
TOTAL	17

PRIOR ROUND SUMMARY

Prior Round Obligation: 286 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	Eden A.C.R.E.s	3			3
	Foxmoor	51			51
Post-1986 Credits	Foxmoor	133			133
	Trenton RCA	24			24
	Trenton RCA	4			4
	Project Freedom	35		35	70

¹³ The number of residential COs (513) is initially divided by 5 to yield 103 units and the number of jobs (2,039) is initially divided by 16 to yield 127 units. Robbinsville's total actual growth share is therefore 230 units (103 + 127). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

	Community Options	1			1
	Subtotal	251		35	
TOTAL					286
Surplus/Shortfall					0

GROWTH SHARE SUMMARY
Projected Growth Share Obligation: 317 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Post-1986 Credits	Eden A.C.R.E.s (Bonnell House)	3 br			3
	Eden A.C.R.E.s (Farley House)	3 br			3
	Community Options (Robbinsville)	4 br			4
	Community Options (Wyndham)	1 br			1
	Community Options (Walden Circle)	2 br			2
	St. John's Community Services (Hilltop Place)	4 br			4
	Foxmoor (extension of expiring controls)	116			116
Subtotal		133		0	133
Proposed Mechanisms	Sharbell Town Center	39		0	39

	Project Freedom II	60	rental	10	70
	Robbinsville Commons I	10	rental	9	19
	Robbinsville Commons II	7	rental	7	14
	Rite-Aid Site	11	rental	11	22
	Mercer Mobile Home Park	20		0	20
Subtotal		147		37	184
TOTAL					317
Surplus/Shortfall					0

II. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

COAH granted Robbinsville approval of an amendment to its development fee ordinance on March 11, 1993, which was adopted by the Township on May 27, 1993. Robbinsville Township submitted a draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance was approved on March 19, 2009.

B. Third Round Spending Plan

A revised third round spending plan was submitted by Robbinsville with the Township's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

Robbinsville has an adopted affordable housing ordinance for its prior round obligation. The Township has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft

proposed ordinance has been amended to include the compliance with barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison was adopted by the Township on September 15, 2006. On May 24, 2007 Robbinsville Township appointed Gail Pfister to the position of Municipal Housing Liaison by resolution.

Robbinsville is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must identify an experienced administrative entity for that purpose by the contract, agreement or letter. Robbinsville has submitted a contract with Housing Affordability Services as its administrative entity for all affordable units. When the Township takes ownership of the Mercer Mobile Home Park the Township must contract with an administrative agent that will market and administer the units within the mobile home park. COAH shall review and approve the administrative agent responsible for the park at that time. Pursuant to N.J.A.C. 5:80-26.14(b), Robbinsville has submitted a written operating manual for administering affordable units within Robbinsville.

D. Affirmative Marketing Plan

Robbinsville has submitted an affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification and submitted to COAH.

III. MONITORING

Robbinsville must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Township's actual growth pursuant to N.J.A.C.

5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Robbinsville in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Robbinsville's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Robbinsville and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

IV. SUMMARY OF COMMENTS

Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), submitted a letter dated March 26, 2009, commenting on Robbinsville's Fair Share Plan during the 45-day objection period.

Fair Share Housing Center's Comments

FSHC states that the letter is not intended as an objection to the Township's plan pursuant to N.J.A.C. 5:96-4.1. FSHC states that it has a concern regarding the use of all supportive/special needs housing units to address the Township's very-low income obligation. Robbinsville's very-low income obligation is 14 units, and the Township is proposing to address this obligation with 17 group home bedrooms and 15 proposed,

supportive and special needs units. FSHC states that the Township must address half of its very-low income obligation with family housing, pursuant to a letter that COAH issued to municipalities on October 30, 2008.

COAH's Response

The COAH letter that was issued to municipalities on October 30, 2008, was a guidance letter on the implementation on P.L.2008, c.46, and not an adopted regulation. Therefore, Robbinsville is not required by statute or regulation to conform to the letter. However, Robbinsville's spending plan indicates that it will expend its affordability assistance funds on converting low-income units to very-low income. Based on Robbinsville's projections, the Township will dedicate \$2,358,013 for affordability assistance, including \$786,004 to render units more affordable to households earning 30 percent or less of median income by region. In addition, seven of the units in the Mercer Mobile Home Park will be very-low income deed restricted units for families. Pursuant to N.J.S.A. 52:27D-329.1, COAH will review municipal housing activities, at least once every three years, to ensure that at least 13 percent of the housing units made available for occupancy by low-income and moderate income households will be reserved for occupancy by very-low income households. Consequently, COAH believes Robbinsville's Fair Share Plan provides a realistic opportunity for family housing and is consistent with COAH's third round rules.

V. RECOMMENDATION

COAH staff recommends that Robbinsville be granted third round substantive certification. Robbinsville must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption. Robbinsville must provide an update to COAH within six of substantive certification on the status of acquisition of the Mercer Mobile Home Park. In addition, the Township must provide an executed

agreement with Project Freedom for the Project Freedom II development as well as documentation that the property has been conveyed to Project Freedom, Inc.